

REMARKS

The office action of April 3, 2009, has been carefully considered.

It is noted that claims 17-19 are objected to for containing various informalities.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-9, 11 and 13-19 are rejected under 35 U.S.C. 102(b) over the patent to Chance.

Claims 1-8 are rejected under 35 U.S.C. 102(b) over the patent to Al-Ali et al.

Claims 1, 6, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) over the patent to Benaron.

Claims 1-4, 6, 7, 9, 12, 13 and 15-19 are rejected under 35 U.S.C. 102(b) over the patent to Aoyagi et al.

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In view of the Examiner's rejections of the claims, applicant has amended claims 1, 4, 13 and 17-19.

Applicant has amended the claims to address the informalities pointed out by the Examiner. In view of these considerations it is respectfully submitted that the objection to claims 17-19 is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-19 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the methods and constructions disclosed in the references.

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Turning now to the references, applicant submits that none of the references disclose a method or device for measuring blood components as recited in the amended claims now on file. Specifically, the references do not disclose the features presently added to the independent claims.

In view of these considerations it is respectfully submitted that the rejections of the claims under 35 U.S.C. 102(b) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on Juy 6, 2009.

By: *Klaus P. Stoffel*
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